

S18238

## CONGRESSIONAL RECORD — SENATE

December 8, 1967

(No. 855), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

## PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

## DR. JESUS ORTIZ RICOTE

The bill (S. 2495) for the relief of Dr. Jesus Ortiz Ricote was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2495

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Doctor Jesus Ortiz Ricote shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 20, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 856), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

## PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

## AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT

The bill (H.R. 2138) to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 858), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

## PURPOSE OF THE BILL

The purpose of the bill is to provide that the period of residence abroad in the employ of certain U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interests shall be considered as constructive residence and constructive physical presence in the United States for naturalization purposes.

## STATEMENT

The general requirements for naturalization are in section 316(a) of the Immigration and Nationality Act, as amended. That section reads as follows:

"Sec. 316. (a) No person, except as otherwise provided in this title, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his petition has been physically present therein for periods totaling at least half of the time, and who has resided within the State in which the petitioner filed the petition for at

least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States."

Section 316(b) provides that absence from the United States for a period of a year or more breaks the continuity of residence for naturalization.

There are employees of certain U.S. nonprofit organizations such as Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, who have been admitted to the United States for permanent residence but by virtue of their employment are necessarily regularly stationed abroad and thus are unable to satisfy the physical presence requirement and, in some cases, the residence requirement to be eligible for naturalization.

This bill will permit such employees to be absent from the United States for periods in excess of 1 year without breaking the continuity of the required 5-year period of continuous residence in the United States prescribed in section 316(a), and will waive the required 30 months of physical presence within that period and the required 6-month period of residence within a particular State, the loss of continuity of residence for remaining out of the United States for a year or more, thereby permitting the naturalization of the persons contemplated.

The persons who will be affected must have been admitted to the United States for permanent residence in accordance with all provisions of law, must have been continuously employed for a period of not less than 5 years after such admission for permanent residence, by the specified organizations, and with the exception of the residence and physical presence requirements, must satisfy all provisions of law relating to naturalization. This includes good moral character and attachment to the principles of the Constitution of the United States.

In hearings on this bill before the Immigration and Nationality Subcommittee of the Committee on the Judiciary of the House of Representatives, testimony was received from officials of the Department of Justice, the Department of State, Free Europe, Inc., and Radio Liberty Committee. The witnesses emphasized that only employees of specified organizations recognized by the Attorney General would be encompassed within the provisions of this legislation. It was developed that approximately 117 people would be eligible for the constructive residence and physical presence benefits.

The organizations which will presently qualify under the terms of this bill are Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, both of which perform highly useful research and analysis of developments in Eastern Europe and the Soviet Union, respectively. They conduct extensive radio broadcasting programs overseas in local languages which are heard by millions of people. This service substantially enlarges the amount of factual information available to inhabitants of these countries and affords them an opportunity to hear other than officially approved comment on public affairs from their own governments. There is no doubt that this penetration into countries ruled by Communist regimes promotes the interests of the United States.

Radio Free Europe, and Radio Liberty Committee could not achieve such effect without the assistance of employees who are emigres from the countries addressed. It is a paradox that some of these individuals, who are capable of doing so without giving existing law, unable to do so without giving

up the work which constitutes a valuable service to the United States. The committee is confident that these two organizations, under the direction of distinguished Americans, are operating effectively and respectably.

The persons who will benefit by this bill formerly held positions of prominence and stature in their native countries. Many have suffered under communism. They have worked under American management and supervision, some for as long as 16 years. They are all idealistically motivated and are persons of proven ability and dedication to the best interests of the United States. It is only their employment outside of the United States which has prevented their naturalization as U.S. citizens. In order to continue their permanent residence status in the United States, they have secured reentry permits and have returned to the United States for short periods every 2 years.

Under existing provisions of the Immigration and Nationality Act, periods of residence abroad by certain employees of the U.S. Government, of American institutions of research, of American firms or corporations engaged in the development of foreign trade and commerce, and of certain public international organizations are recognized as constructive residence in the United States for naturalization purposes under specified conditions. Under the provisions of section 316 (b) of that act, a person who is engaged in such employment after having been lawfully admitted for permanent residence and who has resided and been physically present in the United States for an uninterrupted period of 1 year may preserve the continuity of his residence in the United States for naturalization purposes while residing abroad if he establishes to the satisfaction of the Attorney General that his absence from the United States is required in connection with such employment. While such periods of residence abroad are recognized as constructive residence for naturalization purposes, it is only in the case of the employee of the U.S. Government that the periods of time spent abroad may also be recognized as constructive physical presence.

The minister, priest, missionary, brother, nun, or sister engaged in religious activities abroad obtains both constructive residence and constructive physical presence benefits for naturalization under section 330 of the Immigration and Nationality Act.

The spouse of a U.S. citizen employed by the U.S. Government, an American institution of research or an American firm or corporation engaged in the development of foreign trade, or who is performing ministerial or priestly functions or who is engaged as a missionary may be naturalized immediately following a lawful admission for permanent residence without any residence or physical presence whatsoever under the provisions of section 319(b) of the Immigration and Nationality Act, if the spouse is regularly stationed abroad in such activity.

## ISAAC CHERVONY

The bill (H.R. 3528) for the relief of Isaac Chervony, M.D., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 862) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

## PURPOSE OF THE BILL

The purpose of the bill is to grant the beneficiary to file a petition for naturalization in the United States to Dr. Isaac Chervony as of September

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The persons who will be affected must have been admitted to the United States for permanent residence in accordance with all provisions of law, must have been continuously employed for a period of not less than 5 years after such admission for permanent residence, by the specified organizations, and with the exception of the residence and physical presence requirements, must satisfy all provisions of law relating to naturalization. This includes good moral character and attachment to the principles of the Constitution of the United States.

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